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Attorneys for Plaintiff MMJK, INC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MMJK, INC.

Plaintiff,

vs.

ULTIMATE BLACKJACK TOUR, LLC

Defendant.

Case No. C 07 03236 BZ

**DECLARATION OF JASON KELLERMAN  
RE COVENANT NOT TO SUE**

I, Jason Kellerman, declare under penalty of perjury that the following is true and correct:

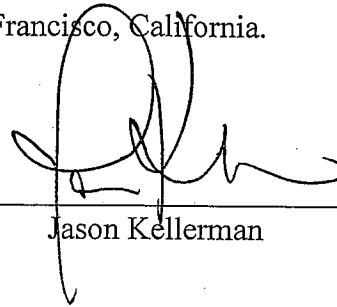
1. I am the President and Chief Executive Officer of MMJK, Inc. ("MMJK"), the owner of U.S. Patent No. 7,094,154 ("the '154 patent"). I have personal knowledge of the facts contained herein and, if called as a witness, I could and would testify competently thereto.

2. On August 22, 2007, the Court issued an Order denying MMJK's motion for preliminary injunction. In its order, the Court indicated that MMJK was unlikely to succeed on the issues of infringement and validity regarding the claims of the '154 patent. In view of the Court's ruling on the motion for preliminary injunction, MMJK no longer wishes to pursue its claims for infringement of the '154 patent against Ultimate Blackjack Tour LLC ("UBT"). Accordingly, MMJK will unconditionally

1 agree not to assert any claim for infringement of the '154 patent against UBT now or in the future. This  
2 covenant not to sue only extends to the claims of the '154 patent. By providing this covenant not to sue,  
3 MMJK has not and does not release any future liability of UBT based upon any patent or patents that  
4 may issue to MMJK related to the '154 patent.

5 Executed this 1<sup>st</sup> day of October, 2007, at San Francisco, California.

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Jason Kellerman